

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

TIMOTHY DONNELL SATCHELL

PLAINTIFF

v.

Civil No. 06-5231

CAPTAIN HUNTER PETRAY, Jail Administrator;
FORMER JAIL NURSE SUE McDONALD;
and DR. HUSKINS

DEFENDANTS

O R D E R

Defendants filed a motion for summary judgment (Doc. 21). To assist plaintiff in responding to the motion for summary judgment, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the motion for summary judgment.

For this reason, Timothy Donnell Satchell is hereby directed to complete, sign, and return the attached response to defendants' motion for summary judgment on or before **August 8, 2008**.

Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 14th day of July 2008.

/s/ *J. Marszewski*

HON. JAMES R. MARSZEWSKI
UNITED STATES MAGISTRATE JUDGE

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CAPTAIN HUNTER PETRAY, Jail Administrator;
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DEFENDANTS

RESPONSE TO SUMMARY JUDGMENT MOTION

TO: TIMOTHY DONNELL SATCHELL

These questions and answers will serve as your response to defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions. You must file this response by **August 8, 2008**.

1. On July 12, 2006, you were booked into the Benton County Detention Center (BCDC) on aggravated robbery charges.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 1 at page 1.

2. As part of the booking process, you completed a medical questionnaire on which you indicated you were a diabetic and taking pills.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 1 at page 6.

3. You also completed an inmate medical insurance information form and signed an inmate telephone system notice form.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at pages 7 and 9.

4. Your medical history includes admission to Northwest Hospital Center on February 23, 2003, for shortness of breath and heart palpations. After cardiac studies, hematology, and urinalysis were conducted, you were discharged with a diagnosis of atrial fibrillation and instructions to take aspirin and Cardizem.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at pages 1-23.

5. Your medical history includes an examination at Beaufort County Hospital on September 17, 2004, for an irregular heart rate and shortness of breath. The diagnostic impression was listed as atrial fibrillation with rapid ventricular response. You were treated with toprol and discharged the same day.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page 25.

6. On July 19, 2006, you submitted a request to be seen by a doctor.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page 27.

7. You were seen by Dr. Neil Mullins on July 20th. You reported being a diabetic and stated you took one pill a day but didn't know the name of the pill. Dr. Mullins named several pills and you could not recall it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 16.

8. You told Dr. Mullins you could not drink the water at the BCDC because you had never drank room temperature water before. You also complained that you didn't like the powdered milk.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 16.

9. Dr. Mullins examined you and found your lungs to be clear. Your blood sugar level was 106 three hours after your meal which was perfectly normal.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 16.

10. Dr. Mullins decided to do a "2HPP sugar two times a week for two weeks." He encouraged you to drink the water even though it was warm. He also encouraged you to drink the milk. He didn't believe you should be able to tell any difference between regular milk and powdered milk. He wasn't going to change the diet for you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 16.

11.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page

2.

12. On August 19, 2006, you submitted a grievance stating that you were dehydrated and had been hospitalized for this problem in the past. You stated you were dizzy and fatigued. You indicated you drank sink water as often as you could.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 26.

13. You also submitted a medical request on August 19th stating you were dehydrated.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at

page 25.

14. You were seen by Nurse McDonald on the 21st. She checked your blood sugar level and it was 143. She also examined you and noted no dehydration on examination.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 15.

15. On August 21st you submitted a grievance about being dehydrated and a diabetic. You stated you had seen the nurse and she didn't seem to want to address your issues. You stated that you could prove in a court you had been diabetic for two years. You requested some real medical attention. In response, Petray said he would forward the grievance to medical.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 24.

16. On August 22nd you submitted another grievance about dehydration. You indicated you were exhibiting the same symptoms you had when you were hospitalized. You said you were light headed, fatigued, and had constant dry mouth. You said the nurse didn't seem to want to do anything about your situation. In response, Petray stated he would forward the grievance to the medical staff.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 23.

17. On August 29th the nurse checked your blood sugar and it was 175.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 15.

18. On August 29th you submitted a grievance about being diabetic. You stated you had visited the nurse and she checked your blood sugar and it was 176. You indicated she told you that whoever said you were diabetic was wrong. You indicated that 176 was way over normal and you were writing the grievance to document this. Petray stated he would forward your grievance to medical.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 22.

19. On August 29th Dr. Mullins prescribed glucophage for you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 15.

20. On September 1st you were placed on a diabetic diet.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 15.

21. On September 13th you submitted a medical request asking for a diabetic snack.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 21.

22. Your request for a snack was refused because you had been refusing your diabetic medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 21.

23. Please explain why you were refusing your diabetic medication.

Answer:

24. On September 20th you asked to see the doctor because of severe back pain.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 20.

25. You were seen by Dr. Mullins on September 21st. You told Dr. Mullins you thought the back pain was caused by your kidneys.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 14.

26. Your straight leg raising test was negative. You told Dr. Mullins the pain was in your lower back not your side. You gave a history of not drinking much liquid. You indicated you didn't drink water.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 14.

27. Dr. Mullins told you to drink more water. He prescribed Ibuprofen for ten days.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 14.

28. On September 25th you again asked to see the doctor due to severe back pain.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 19.

29. You were seen by Dr. Mullins on September 26th. You complained of back pain and said you were getting dehydrated.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 13.

30. You indicated you did not like drinking out of the fountain. Dr. Mullins agreed to give you a Styrofoam cup to encourage you to drink more water. He continued the Ibuprofen for ten days.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at

page 13.

31. On October 24th you submitted a medical request asking to have your blood sugar checked. You were instructed to see the nurse.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 18.

32. You had your blood sugar checked on October 26th and it was 133.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 12.

33. Your blood sugar was checked again on November 1st and it was 116.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 12.

34. On November 7th you submitted a request to have your blood sugar checked. It was checked on the 8th and was 137. You were put on the list to receive a night-time snack.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 12.

35. Your blood sugar was checked on November 15th and was 91.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 12.

36. On November 21st you submitted a request to have your blood sugar level checked, your weight checked, to be checked for dehydration, and because you were having back pains. In response, Petray said he would forward your request to medical.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 16.

37(A). Your lab work was done on November 28th.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 11.

(B). On December 4th you submitted a grievance stating your heart problem was

completely ignored. You stated you had heart problems on December 3rd and you went to pod control immediately. You state you were pushed off until December 4th but then you were totally ignored on the 4th. In response, Petray stated he would forward your grievance to medical.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 15.

(C). Please describe in detail: (a) what type of heart problems you were having; (b) what symptoms you were experiencing; (c) whether the symptoms cleared up or went away; and (d) who you told about the problems.

38. You were seen by Dr. Huskins on December 6th. He noted you had went from 255 pounds down to 218 pounds. He also noted that three years ago you had a history of palpitations that had been treated with beta blockers. You reported some dizziness. He noted you had a clear chest, no heart murmurs, and a build up of wax in your ears. He prescribed Lopressor and Cerumenex ear drops.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 10.

39(A). You submitted a grievance dated December 6th in which you stated that your heart problems were completely ignored. You indicated that last night you had gotten sick

and were vomiting and asked for immediate assistance and had gotten pushed off. In response, Petray said he would forward your request to medical.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 14.

(B). Please describe in detail: (a) what type of heart problems you were having; (b) what symptoms you were experiencing; (c) whether the symptoms cleared up or went away; and (d) who you told about the problems.

(C). Why did you say your heart was completely ignored when you had just been seen by Dr. Huskins and prescribed medication?

Answer:

(D). Nurse Garrett wrote on the bottom of the grievance that you had been prescribed medication for your heart and blood pressure and were refusing to take it. Please explain why you were refusing to take the medication Dr. Huskins prescribed you.

Answer:

40. On December 12th you submitted a request to have your blood sugar checked. It was scheduled to be checked the following day.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 13.

41. On January 16, 2007, you submitted a grievance stating you needed medical attention for your back. In response, Petray stated the doctor made all medical decisions. If

you had medical problems, you were told to fill out a medical.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 12.

42. On January 17th you were placed on a vegetarian diet.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 9.

43. On January 17th you submitted a medical request to see the doctor for heart and back problems.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 11.

44. You were seen by Dr. Huskins on January 17th. Dr. Huskins ordered a repeat of your lab work and an EKG. Dr. Huskins also sent for your medical records from Northwest Hospital and Beaufort County.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 8 & page 6.

45. On January 17th you submitted a medical request asking to re-visit the nurse for a correction in your special diet.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 10.

46. On January 19th a night-time snack was added to your diet.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 7.

47. On February 1st you submitted a request asking to visit the doctor about serious medical issues that needed to be addressed immediately.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 9.

48. On February 1st you submitted a second medical request asking to see the nurse or doctor about a head cold and nose bleeds.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 9.

49. You were seen by Nurse Garrett that day. You told her you couldn't breathe, had a runny nose, and your heart was fluttering. You were prescribed Benadryl.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 6.

50. You were seen by Dr. Huskins on February 2nd. You complained of back pain.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 5.

51(A). On February 5th you submitted a grievance stating that the deputies were not

qualified to pass out medication. You stated you had refused your medication several times because they did not know what they were giving you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 7.

(B). When medication is passed out isn't there a medication card you must sign?

Answer: Yes _____ No _____.

If you answered yes, doesn't the card indicate the name and dosage of the medication on it?

52(A). On February 8th you submitted a request asking to see the doctor about ear pains and loss of hearing.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 5.

(B). On February 11th you submitted a medical request asking to see the nurse about your diet and weight loss.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 6.

53. You were seen by Dr. Huskins on February 12th. He noted you had earwax buildup in both ears with the left ear bothering you more than the right. He started you on Cerumenex weekly.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 4.

54. On February 16th you asked to be put on a regular tray just lactose free.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 4.

55. Nurse Garrett authorized this change in your diet.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 3.

56. On March 8th you requested to see the doctor about your irregular heartbeat.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 2.

57. On March 9th you submitted a medical request asking to see the doctor about your irregular heartbeat. You said you hadn't seen him about this issue yet.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 3.

58. On March 2nd you asked to see the doctor about your ear pains.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 4 at page 1.

59(A). When Dr. Huskins called on March 12th you refused to come out of your cell

to be examined.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to the Defendants' Exhibit 3 at page 1.

(B). Please explain why you refused to see Dr. Huskins.

Answer:

60. All decisions about your medical care at the BCDC were made by the jail medical staff.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

61. You received all medical care and treatment prescribed to you by the jail medical staff.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

62. All orders of the jail medical staff were carried out by personnel at the BCDC.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

63. Please explain in detail how you believe Captain Hunter Petray exhibited deliberate indifference to your serious medical needs.

Answer:

64. Please explain in detail how Nurse Sue McDonald exhibited deliberate indifference to your serious medical needs.

Answer:

65. Please explain in detail how Dr. Huskins exhibited deliberate indifference to your serious medical needs.

Answer:

66. You received all medical care and treatment Dr. Huskins believed in the exercise of his medical judgment that you needed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

67. You received all medical care and treatment Nurse McDonald believed in the exercise of her judgment that you needed.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

68. Do you contend a custom or policy of Benton County was the moving force behind your being denied adequate medical care?

Answer: Yes _____ No _____.

If you answered yes, please describe in detail the custom or policy and how it operated to deprive you of adequate medical care.

69. Did you suffer any physical injury as a result of a delay in your receiving medical care while at the BCDC?

Answer: Yes _____ No _____.

If you answered yes, please state: (a) the physical injury you suffered; (b) the symptoms you experienced; (c) the severity of those symptoms; (d) whether you sought, or received medical treatment; (e) the treatment you received; (f) how long it took you to recover from the treatment; and (g) attach to this response medical records establishing the existence of the injuries or the effect the delay in treatment had on your health. If you do not have any records, explain to the court why you do not have any records.

70. Each time you requested medical care or treatment you were seen by a jail nurse or doctor within a few days of your request.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

71. You received all medication prescribed to you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

Detail below any further response you would like to make to defendants' motion for summary judgment. If you have any exhibits you would like the court to consider, you may attach them to this response.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED ON THIS DAY OF 2008.

TIMOTHY D. SATCHELL